

AMENDMENTS TO THE DRAWINGS

A replacement drawing sheet numbered 6/6 showing FIGURE 8 is provided.

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### REMARKS

This paper is filed in response to the Office Action mailed on April 24, 2006. Claims 1-7 are pending. Claims 1-7 have been examined and stand rejected. Reconsideration of Claims 1-7 is respectfully requested.

#### Drawings

FIGURE 8 has been objected to as showing only that which is in U.S. Patent No. 6,748,671. FIGURE 8 has been labeled "Prior Art" and a replacement sheet numbered 6/6 is provided. Accordingly, the withdrawal of the objection to is respectfully requested.

#### The Rejection of Claims 2 and 3 Under 35 U.S.C. § 112, Second Paragraph

Claims 2 and 3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. Applicants respectfully traverse the rejection.

The Office Action states that "Claims 2-3 are not clear as to the distances claimed and as to the 'three distances being approximately the same'. Is each set of distances compared to each other or to all the distances. The distances are not identified on the drawings."

Applicants respectfully disagree. In FIGURE 4, the distance 316 is described. (See the Specification at page 11, lines 11-17.) In FIGURE 6, the distances 320 and 324 are described. (See the Specification beginning at page 12, line 26, through page 13, line 15.) Because the specification provides clear indication what is meant by Claims 2 and 3, Claims 2 and 3 are not indefinite.

Accordingly, the withdrawal of the rejection of Claims 2 and 3 is respectfully requested.

#### The Rejection of Claims 1-3 and 5 Under 35 U.S.C. § 102(b) or, in the Alternative, Under 35 U.S.C. § 103(a)

Claims 1-3 and 5 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Thale et al. (U.S. Patent No. 3,554,453).

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Claim 1 has been amended to recite "wherein the majority of the length of the fingers of the first rotor overlaps with the adjacent fingers of the second rotor." The amendment is supported in the specification, at least, from FIGURE 6.

U.S. Patent No. 3,554,453 teaches that the depth of engagement between the toothings of the shredding roller and those of the holding member is not more than half the length of the shredding roller teeth. (See Col. 1, lines 53-56.)

Anticipation requires a prior art reference to exactly describe the claimed invention. Because the Thale et al. patent does not describe wherein the majority of the length of the fingers of the first rotor overlaps with the adjacent fingers of the second rotor, the Thale et al. patent is not anticipatory.

Furthermore, a *prima facie* rejection requires that there be a teaching or a suggestion, either in the references or in the knowledge generally available to modify a reference, a reasonable expectation of success, and the prior art references must teach or suggest all the claim limitations. The Thale et al. patent does not teach or suggest all the claim limitations because the Thale et al. patent explicitly teaches away from Claim 1. Particularly, the Thale et al. patent teaches that "According to the invention, this purpose is achieved by the fact that the depth of engagement between the toothings of the shredding roller and those of the holding member is not more than half the length of the shredding roller teeth." (See Col. 1, lines 53-56.)

Accordingly, the withdrawal of the rejection of Claims 1-3 and 5 is respectfully requested.

The Rejection of Claims 4, 6, and 7 Under 35 U.S.C. § 103(a)

Claims 4, 6, and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thale et al.

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Claims 4, 6, and 7 are dependent from Claim 1. The Thale et al. patent does not teach or suggest all the claim limitations of Claim 1. Accordingly, because Claims 4, 6, and 7 are dependent from Claim 1, it is submitted that Claims 4, 6, and 7 are allowable.

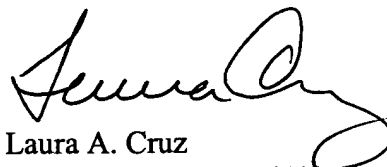
Accordingly, the withdrawal of the rejection of Claims 4, 6, and 7 is respectfully requested.

#### CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that Claims 1-7 are in condition for allowance. If the Examiner has any further questions or comments, the Examiner may contact applicants' attorney at the number provided below.

Respectfully submitted,

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July 14, 2006      Sheila B. King

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